

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

TUNG MA

Plaintiff,

v.

KENNETH D. KYLER, et al.

Defendants.

CIVIL ACTION

NO. 02-4380

ORDER

AND NOW, this 30th day of September, 2003, upon consideration of Plaintiff's "Motion for Expansion of the Record" (Doc. 16), and Respondents' Brief in Opposition thereto (Doc. 17), **IT IS HEREBY ORDERED** as follows:

1. Respondents shall serve Petitioner with a copy of any excerpt from the state court trial transcript on which they relied in any pleading filed with this Court, in accordance with Rule 5 of the rules governing § 2254 habeas cases, within thirty (30) days of the date of this Order.¹
2. Petitioner is **granted leave** to file a supplemental reply to his objections to the Magistrate's Report and Recommendation. Petitioner's supplemental reply, if any, shall be filed and served within forty-five (45) days after receiving a copy of the trial transcript excerpts from Respondents as provided in paragraph 1.
3. Petitioner's Motion for Appointment of Counsel is **DENIED**.²

BY THE COURT:

Hon. Petrese B. Tucker, U.S.D.J.

¹ Respondents are obligated under the federal habeas rules to attach to their answer those specific portions of the trial transcript to which they have deemed relevant and cited. See Rule 5.

² Petitioner is advised that this Court does not appoint counsel in federal habeas cases. The only panels available to the Court for this purpose are the Prisoner Civil Rights Litigation and Employment Discrimination panels.